

2020 JAN 27 PM 12:30
IN THE CIRCUIT COURT OF MARSHALL COUNTY, WEST VIRGINIA
BUSINESS COURT DIVISION

AXIAL CORPORATION and
WESTLAKE CHEMICAL
CORPORATION,

Plaintiffs,

vs.

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA., *et*
al.,

Defendants.

Civil Action No. 19-C-59

Judge Christopher C. Wilkes

ORDER PARTIALLY LIFTING STAY OF DISCOVERY

The Court hereby **ORDERS** a partially lifting of the stay of discovery in this action in the following manner.

The October 22, 2019 Order staying discovery is partially lifted such that discovery shall proceed on all issues related to Plaintiffs' Declaratory Judgment and Breach of Contract causes of action (Counts I and II). The Defendants shall respond to the following pending discovery requests: Plaintiffs' First Set of Interrogatories ("Interrogatories") Nos. 1-4, 6-7, and 10-11; and Plaintiffs' First Set Requests for Production of Documents ("RFPs") Nos. 1-17 and 21-23.

With respect to those requests that the Insurers did not dispute were relevant to Counts I and II – namely, Interrogatory Nos. 1-4, 6-7, and 10-11 and RFP Nos. 1-6, 8-11, 14, 16 and 21-23 – the Insurers shall serve written responses and produce responsive documents within ten (10) days of the date of this Order.

With respect to those five RFPs that the Insurers argued should remain subject to the discovery stay – namely RFP Nos. 7, 12-13, 15 and 17 – the Insurers shall serve written responses and produce responsive documents within thirty (30) days of the date of this Order.

The current October 22, 2019 Order staying discovery will remain in place as to Plaintiffs' Bad-Faith and Unfair Trade Practice causes of action (Counts III-V), and shall apply to Interrogatory Nos. 5 and 8-9 and RFPs Nos. 18-20, pending further action by this Court.

It is so **ORDERED**.

The Clerk of this Court is **DIRECTED**, in accord with W. Va. R. Civ. P. 77(d), to transmit a copy of this Order to all counsel of record.

IT IS SO ORDERED this 27th day of January 2020, 2019.


The Honorable Christopher C. Wilkes

A Copy Teste:

Joseph M. Rucki, Clerk

By Dennis Crow Deputy